BENGAL SECRETARIAT LIBRARY

A COLLECTION OF THE ACTS

PASSED BY THE

LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN THE YEAR 1891.

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TITLES OF ACTS

PASSED BY THE

LIEUT-GOVERNOR OF BENGAL IN COUNCIL

IN THE

YEAR 1891.

1. An Act to amend the Public Demands Recovery Act, 1880.
2. to consolidate and amend the law relating to hackney-carriages and palanquins in Calcutta.

BENGAL SECRETARIAT LIBRARY

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IN THE

YEAR 1891.

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H. J. L.—Reg. No. 998J—2,000—4-7-92.

BENGAL SECRETARIAT LIBRARY

ACT No. I OF 1891.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 16th March, 1891, and of the Governor General on the 23rd idem.)

An Act to amend the Public Demands Recovery Act, 1880.

WHEREAS it is expedient to amend the Public Demands Recovery Act, 1880; It is hereby enacted as follows:—

Construction and commencement.

1. This Act shall be read with, and taken as part of, the Public Demands Recovery Act, 1880; and it shall come into force from the date on which it may be published in the Calcutta Gazette with the assent of the Governor General.

Amendment of section 7.

2. In section seven for "the Collector of the district" read "Collector".

Validity of certificates made by Collector.

3. All certificates made before the passing of this Act under the provisions of section seven of the Public Demands Recovery Act, 1880, by a Collector as defined in section four of that Act, shall be as valid as if made by the Collector of the district.

[*Price six pies.*]

W. LeB.—Reg. No. 914G—2,000—1-4-91.

THE CALCUTTA HACKNEY-CARRIAGE ACT, 1891.

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[*Price four annas and three pies.*]

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BENGAL SECRETARIAT LIBRARY

ACT No. II OF 1891.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 9th August, 1891, *and of the Governor General on the 11th September*, 1891).

An Act to consolidate and amend the law relating to Hackney-carriages and Palanquins in Calcutta.

WHEREAS it is expedient to consblidate and amend the law relating to hackney-carriages and palanquins in Calcutta; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Title.

1. (*1*) This Act may be called the Calcutta Hackney-carriage Act, 1891.

Commencement.

(*2*) It shall come into force from the date on which it may be published in the Calcutta Gazette with the assent of the Governor General.

Application and extension of Act.

(*3*) It shall apply to Calcutta as hereinafter defined, and may be extended from time to time to any other town or place in Bengal by a notification published in the Calcutta Gazette.

Repeal.

2. (*1*) Acts V of 1866 and IV of 1878 are hereby repealed.

Savings.

(*2*) This repeal shall not affect the validity of anything done or suffered, or of any right, title, obligation or liability which may have accrued, and all appointments, extensions and registrations made, licenses issued, notifications published, penalties incurred, and other things duly done under any such enactments shall, so far as they are consistent with this Act, be deemed to have been respectively made, issued, published, incurred or done hereunder.

(*3*) All references made to any such enactment shall, as far as may be practicable, be deemed to be made to this Act.

(*4*) All proceedings now pending which may have been commenced under any such enactment shall be deemed to be commenced under this Act.

3. In this Act, unless there is something repugnant in the subject or context,—

Definitions.

(*1*) "Calcutta" (subject to the inclusion or exclusion of any local area by the Local Government under section four) means Calcutta as defined by the Calcutta Municipal Consolidation Act, 1888.

(*2*) "Hackney-carriage" means any wheeled vehicle drawn by horses and used for the conveyance of passengers which is kept or offered, or plies for hire by the hour or day or according to distance; but shall not include any carriage used wholly upon any railway or tramway.

(*3*) "Horse" includes mule and pony.

(*4*) "Stage-carriage" means any hackney-carriage, the passengers in which shall be charged or shall pay separate and distinct fares, or shall be charged or pay, at the rate of separate and distinct fares, for their respective places or seats therein or conveyance thereby.

(*5*) "The Commissioners" means the Corporation of Calcutta.

4. The Local Government may, by notification published in the Calcutta Gazette, exclude from Calcutta any local area or include therein any local area in the vicinity of the same, and defined in the notification

Alteration of limit of Calcutta.

Provided that, where the local area to be included is a Military Cantonment or part of a Military Cantonment, a notification shall not be published under this section in respect of it without the previous sanction of the Governor General in Council.

Proviso.

CHAPTER II.

Registration of Hackney-carriages.

5. (*1*) Every hackney-carriage in Calcutta shall be annually registered by a Registering Officer who shall be appointed for the purpose by the Commissioners, and who shall keep a register in which he shall enter every hackney-carriage under either the first, the second or the third class.

Hackney-carriages to be registered annually.

(2) Every act, matter or thing done by the Registering Officer, under or by virtue of this Act, shall be subject to the control of the Chairman of the Commissioners.

Registering Officer to be under control of Chairman of Commissioners.

(3) The appointment and removal of such Registering Officer shall be subject to the provisions of section forty-one of the Calcutta Municipal Consolidation Act, 1888.

Appointment and removal of Registering Officer.

6. The year of registration shall commence on the first day of October of each year and shall terminate on the thirtieth day of September following.

Time and duration of registry.

7. (1) The owner of any carriage, who is desirous of registering it as a hackney-carriage, shall apply to the Registering Officer stating the class in which he desires that the carriage may be registered, and shall submit the carriage for the inspection of the Registering Officer.

Application for registry.

(2) The Registering Officer shall decide whether the carriage is fit to be registered in the class applied for and shall register it in that class or refuse to grant the application.

Application may be granted or refused.

(3) The person in whose name any carriage is registered shall be deemed the owner of such carriage for the purposes of this Act.

"Owner" of carriage.

8. (1) The Registering Officer shall, at the time of registration, deliver a license duly signed by him to the owner of every hackney-carriage.

License to be delivered to owner.

(2) Such license shall be in force for the year of registration.

Duration of license.

9. The following particulars shall be entered in the register and shall be specified in the license to be given to the owner :—

Particulars of register and license.

(a) the class and the number assigned to the carriage in the register ;

(b) the name and residence of the owner, the description of the carriage, and the place where such carriage is intended to be kept ;

(*c*) the number and description of horses to be employed in drawing such carriage, and the place where such horses are intended to be kept;

(*d*) the number of persons the carriage is licensed to carry.

Fee for registration.

10. A fee of four rupees shall be paid for each registration of a carriage of the first class, a fee of three rupees for each registration of a carriage of the second class, and a fee of two rupees for each registration of a carriage of the third class.

Registration of carriage and driver's license may be suspended or cancelled.

11. The Registering Officer may suspend for such period as he thinks fit or cancel the registration of any carriage and the license granted to the driver under this Act, whenever it shall appear to him that such carriage or any horse or harness used with such carriage is unfit for public use; due regard being had to the class in which such carriage is registered.

Notice to be given of change of ownership.

12. (*1*) Whenever any change shall take place in the ownership of a hackney-carriage, if the person to whom such carriage shall have been transferred shall desire to use it as a hackney-carriage, he shall before so using it give to the Registering Officer notice in writing of such transfer, and shall include in such notice the particulars specified in clauses (*b*) and (*c*) of section nine.

Penalty for using carriage before giving notice.

(*2*) If any such person shall, before giving such notice as aforesaid, use such carriage as a hackney-carriage, he shall be liable to a fine not exceeding five rupees for every day during which he shall so use the same.

Notice to be given of change of residence or place.

13. (*1*) Whenever the owner or driver of a registered hackney-carriage shall change his residence or the place where such carriage and horses are kept, he shall, within one week from the date of such change, give to the Registering Officer a notice in writing which shall include the particulars specified in clauses (*b*) and (*c*) of section nine.

Penalty for neglect to give notice.

(*2*) Every such owner or driver who shall neglect to give such notice shall be liable for every such offence to a fine not exceeding ten rupees.

14. The Registering Officer, on receiving the notices specified in either of the two last preceding sections, shall make the necessary alteration in the register and in the license; and a fee of eight annas shall be chargeable in respect thereof.

Change of ownership or residence to be entered in register.

15. (*1*) Whoever keeps or is the proprietor of any hackney-carriage which has not been duly registered under this Act shall be liable to a fine not exceeding one hundred rupees.

Penalty for keeping unregistered carriage.

(*2*) Any Police Officer or any person duly authorised by the Commissioners in that behalf and wearing a distinctive badge to indicate his official capacity may seize and remove to a police-station such carriage, together with the horse drawing the same.

Seizure of such carriage and horse.

(*3*) If the hackney-carriage or horse so seized be not claimed, and if any fine imposed be not paid, together with any costs or charges incurred, within ten days of such seizure or imposition of such fine respectively, such carriage and the horse seized therewith may be sold by auction, and the proceeds applied to the payment of the fine and all costs and charges incurred on account of the detention and sale.

When such carriage or horse may be sold.

(*4*) The surplus, if any, if not claimed by the owner within a further period of twenty days, shall be credited to the Hackney-carriage Fund.

When surplus to be credited to Hackney-carriage Fund.

CHAPTER III.

Plate on Hackney-carriage.

16. Upon the registration of any hackney-carriage, the Registering Officer shall provide a plate bearing the class and the number of such carriage in the register and the number of persons it is licensed to carry, and shall cause such plate to be affixed on some conspicuous part of the outside of the carriage.

Plate to be affixed outside carriage.

17. If any hackney-carriage shall be let, used, or ply for hire without having a proper plate duly affixed as required by the last preceding section, the owner thereof shall be liable to a fine not exceeding fifty rupees.

Penalty for using carriage without plate.

18. Whenever the words or figures on any plate shall, during the term of the license, become indistinct or obliterated, and also whenever any plate shall have been lost or stolen, the owner of the hackney-carriage on which such plate was affixed shall deliver such plate (if he shall have the same in his possession) to the Registering Officer, and shall be entitled to have a new plate affixed upon payment of one rupee:

New plate may be had on loss or obliteration of former one.

Provided that if any plate which shall have been proved to have been lost or stolen shall afterwards be recovered, the same shall forthwith be delivered to the Registering Officer; and every person in or into whose possession any such plate as last aforesaid shall be or come and who shall refuse or neglect for three days to deliver the same to the said Registering Officer, and also every registered owner who shall use or permit to be used any plate after the writing thereon shall have become indistinct or obliterated shall, for every such offence, be liable to a fine not exceeding ten rupees.

Penalty for using obliterated plate or for failing to deliver lost plate when recovered.

19. (*1*) On the expiration or other determination of the registration, the owner of every hackney-carriage shall cause the plate of such hackney-carriage to be delivered to the Registering Officer.

Plate to be delivered on expiry of registration.

(*2*) Any person who, after the expiration of the period aforesaid, shall wilfully neglect for three days to deliver the plate to the said Officer, and every person who shall retain any plate affixed in respect of a registration which is no longer in force shall, for every such offence, be liable to a fine not exceeding fifty rupees.

Penalty for neglecting to deliver such plate.

20. (*1*) Every person who shall, for the purpose of deception, use or have any plate resembling or intended to resemble any plate affixed under this Act shall, for every such offence, be liable to a fine not exceeding two hundred rupees.

Penalty for fraudulently using counterfeit plate.

(*2*) It shall be lawful for any Police Officer or any person employed for the purposes of this Act by the Registering Officer, to seize and take

Police may seize counterfeit plate.

away any plate used or had as aforesaid wheresoever the same may be found, and to deliver the same to the Registering Officer.

CHAPTER IV.

DRIVER'S LICENSE.

Driver of hackney-carriages to have license.

21. (*1*) It shall be lawful for the Registering Officer to grant a license to act as driver of any hackney-carriage to any person who shall apply for the same, and to whom it may seem proper to the said Officer to grant it:

Proviso.

Provided that no person shall be so licensed who is under sixteen years of age.

Particulars of license.

(*2*) Every such license shall contain—

(*a*) the number of the license;

(*b*) the name, father's name, place of abode, and age of the person to whom such license is granted;

(*c*) the description of carriage and horses such person is licensed to drive;

(*d*) the date on which the license was granted,

and shall bear the signature of the Registering Officer.

(*3*) The license shall continue in force for one year from the date thereof unless the same shall be sooner revoked or suspended.

Duration of license.

Fee for license.

(*4*) For every such license there shall be paid a fee of two rupees.

Penalty for not having license or lending it out.

22. If any person shall act as the driver of a hackney-carriage without having a license in force for the time being, or having a license shall transfer or lend the same or allow the same to be used by any other person, he shall be liable to a fine not exceeding twenty rupees, and in default of payment of fine to imprisonment for a period not exceeding fourteen days.

Penalty for suffering unlicensed person to act as driver.

23. Any owner of a hackney-carriage who shall suffer any person not duly licensed under this Act to act as driver of any hackney-carriage of which he shall be the owner, shall be liable for every such offence to a fine not exceeding fifty rupees:

Provided that such owner and such unlicensed driver shall be subject to all the provisions of this Act, for any act done or omitted to be done by such driver during such employment in like manner as if such driver had been duly licensed.

Proviso.

24. The particulars of every license which shall be granted under the provisions of this Act shall be entered in books to be kept for that purpose at the office of the Registering Officer; and every person applying shall, at all reasonable times, be furnished with a certified copy of such particulars on payment of a fee of eight annas.

Particulars of license to be registered and copy given on payment of fee.

CHAPTER V.

DRIVER'S TICKET.

25. (*1*) The Registering Officer shall, at the time of granting a license to any driver of a hackney-carriage, deliver a metal ticket marked or engraved with a number corresponding with the number of his license.

Driver to wear metal ticket.

(*2*) Every driver to whom such ticket is delivered shall, at all times while acting as driver or while attending before any Magistrate, carry such ticket exposed to view.

Driver to wear ticket exposed to view.

(*3*) In case any such driver shall omit to wear such ticket exposed to view while acting as driver or attending before a Magistrate, he shall be liable to a fine not exceeding ten rupees, and in default of payment of fine to imprisonment for a period not exceeding one month.

Penalty for omitting to wear ticket.

26. Whenever the number on any ticket shall, during the term of the license, become indistinct or obliterated, and also whenever any ticket shall have been lost or stolen, the person to whom the license relating to any such ticket shall have been granted shall deliver such ticket (if he shall have the same in his possession), and shall produce such license to the Registering Officer, and such person shall then be entitled to have a new ticket delivered to him upon payment of eight annas:

Driver entitled to new ticket on loss or obliteration of former one.

Penalty for using obliterated ticket or for failing to deliver lost ticket when recovered.

Provided that if any ticket which shall have been proved to have been lost or stolen shall afterwards be recovered, the same shall forthwith be delivered to the Registering Officer; and every person in or into whose possession any such ticket as last aforesaid shall be or come who shall refuse or neglect for three days to deliver the same to the said Registering Officer, and also every person licensed under the authority of this Act who shall use or wear the ticket granted to him after the writing thereon shall have become indistinct or obliterated shall, for every such offence, be liable to a fine not exceeding ten rupees, and in default of payment of fine to imprisonment for a period not exceeding seven days.

License and ticket to be delivered on expiry.

27. (*1*) Upon the expiration or other determination of any license granted to a driver under this Act, such driver shall deliver such license and the ticket relating thereto to the Registering Officer.

Penalty for neglecting to deliver such license and ticket.

(*2*) Every driver who shall neglect for three days to deliver such expired license and ticket to the said Officer, and also every person who shall use, wear or detain any such expired license or ticket or other than such as shall have been delivered to him under the provisions of this Act, and every person to whom any ticket shall have been delivered as aforesaid who shall lend such ticket to any other person, and every person who shall wear or use the ticket of any other person shall, for every such offence, be liable to a fine not exceeding twenty rupees, and in default of payment of fine to imprisonment for a period not exceeding one month.

Penalty for using or wearing counterfeit ticket.

28. (*1*) Every person who shall for the purpose of deception use or wear any ticket resembling or intended to resemble any ticket granted under the authority of this Act, shall, for every such offence, be liable to a fine not exceeding one hundred rupees, and in default of payment of fine to imprisonment for a period not exceeding one month.

(*2*) It shall be lawful for any Police Officer or any person employed for the purposes of this Act by the Registering Officer to seize and take away any such expired or counterfeit ticket wheresoever the same may be found, and to deliver the same to the Registering Officer.

Police may seize counterfeit ticket.

29. (*1*) Whenever any driver shall be summoned to appear before any Magistrate to answer any charge preferred against him under this Act, he shall carry with him his license and produce the same if required so to do; and any driver who shall on such requisition fail to produce such license shall, for every such offence, be liable to a fine not exceeding five rupees, and in default of payment of fine to imprisonment for a period not exceeding seven days.

Penalty for failing to produce license before Magistrate.

(*2*) It shall be lawful for any Magistrate, on conviction of any driver of any offence under this Act, to endorse on such license the nature of the offence, the date of the conviction and the amount of the penalty inflicted.

Conviction of any charge to be endorsed on driver's license.

30. (*1*) It shall be lawful for any Magistrate before whom any driver shall be convicted of any offence, whether under this Act or under any other Act, to revoke the license of such driver or to suspend the same for such time as the Magistrate shall think proper, and for that purpose to require the driver or any other person in whose possession such license and the ticket thereto belonging shall then be, to deliver up the same.

Revocation or suspension of driver's license on conviction.

(*2*) Every driver or other person who being so required shall refuse or neglect to deliver up such license and such ticket, shall be liable for every such offence to a fine not exceeding twenty rupees, and in default of payment of fine to imprisonment for a period not exceeding fourteen days.

Penalty for refusal or neglect to deliver up license.

(*3*) The Magistrate shall forward every license and every ticket so delivered up to him to the Registering Officer, together with a memorandum of his sentence in the case.

Magistrate to send surrendered license to Registering Officer.

(*4*) The Registering Officer shall enter the fact of such sentence in the register referred to in section nine, and shall either suspend or cancel such license according to the sentence of the Magistrate; and if it has been suspended, the Registering Officer shall, on application at the end of the time of suspension, re-deliver such license or ticket to the person to whom it was granted.

Cancellation or re-delivery.

CHAPTER VI.

Fares, Hiring and Plying for Hire.

31. (*1*) The owner or driver of every hackney-carriage shall be entitled to demand and take for the hire of such carriage the fares specified in the first schedule to this Act:

Fares to be paid for hackney-carriages.

Provided that when the owner or driver of any hackney-carriage, to be paid a fare calculated according to the distance, shall be required by the hirer thereof to stop such carriage for any time or times amounting altogether to not less than fifteen minutes, it shall be lawful for the owner or driver to demand and receive from the hirer so requiring him to stop a further sum of one-fourth of the rate for the first hour, for every fifteen minutes that he shall have been so stopped.

Proviso.

(*2*) No owner or driver shall demand or receive over and above the said fare any sum for back fare for the return of the carriage from the place at which it was discharged:

Back fare not to be demanded.

Provided that any contract entered into to accept a fare lower than the fare so fixed shall be binding.

Contract for lower fares to be binding.

32. (*1*) The owner of every registered hackney-carriage shall put up and at all times keep distinctly printed, painted or marked in the English, Urdu and Bengalee languages, in such manner and in such position as shall be directed by the Registering Officer, on the inside of such carriage, the amount of fare according to distance and time which may legally be demanded and taken from the hirer of such carriage as a hackney-carriage.

Owner to keep list of fares inside carriage.

(*2*) Every such owner who shall fail to comply with the provision of this section shall, for each offence, be liable on conviction to a fine not exceeding ten rupees.

Penalty for breach.

33. (*1*) The driver of every registered hackney-carriage shall (unless he has a reasonable excuse to be allowed by the Magistrate before whom the matter shall be brought in question) drive such carriage to any place to which he shall be required by the hirer thereof to drive the same, not exceeding six miles from the place where the same shall have been hired.

Distance driver bound to drive.

(*2*) When any such carriage shall have been hired by time, the driver thereof shall drive the same at a rate not less than four miles within one hour; and if the driver of such carriage shall be required to drive more than four miles within one hour, then in every such case the driver thereof shall be entitled to demand, in addition to the fare regulated by time in the first schedule to this Act for every mile or any part thereof exceeding four miles, the fare regulated by distance as set forth in that schedule.

Speed when hired by time.

(*3*) Any such driver failing without reasonable excuse to comply with the provisions of this section shall be liable to a penalty not exceeding ten rupees, and in default of payment of fine to imprisonment for a period not exceeding seven days.

Penalty for failure.

34. The driver of every registered hackney-carriage shall carry in or upon such carriage a quantity of luggage not exceeding two maunds, together with one additional maund for every person below four carried in the carriage without any additional charge.

Quantity of luggage to be carried free of charge.

35. Any owner, person in charge of any registered hackney-carriage or driver who shall without sufficient reason refuse to let such carriage for hire, shall be liable for every such offence to a fine not exceeding fifty rupees, and to pay such further sum by way of compensation to the party complaining as to the Magistrate who shall hear the case may seem just; and such further sum shall, in default of

Penalty for refusing to let a carriage for hire.

immediate payment, be levied in the mode provided for the levying of fines under this Act.

Penalty on driver for certain offences.

36. Every driver of a hackney-carriage who shall—

(*a*) be drunk during his employment;

(*b*) make use of insulting or abusive language, or gesture;

(*c*) stand (elsewhere than at some stand or other place appointed for the purpose) or loiter for the purpose of being hired in or upon any public street, road or place;

(*d*) suffer his carriage to stand for hire across any street or alongside of any other carriage;

(*e*) refuse to give way (when he reasonably and conveniently may do so) to any other carriage;

(*f*) wilfully obstruct or hinder the driver of any other carriage in taking up or setting down any person into or from such other carriage;

(*g*) wrongfully prevent or endeavour to prevent the driver of any other carriage from being hired;

(*h*) demand or take more than the proper fare to which he is legally entitled;

(*i*) refuse to admit and carry in his carriage the number of persons painted or marked on the registered plate affixed to such carriage or specified in the register;

(*j*) carry more than such number of passengers;

(*k*) refuse to carry by his carriage a reasonable quantity of luggage;

(*l*) before he has been discharged by the hirer, (being hired by time) desert from the hiring;

(*m*) ply for hire with any carriage or horse which shall be at the time unfit for public use,

shall be liable to a fine not exceeding ten rupees, and in default of payment of fine to imprisonment for a period not exceeding seven days.

Penalty on driver for refusing to attend at premises of owner.

37. Any driver employed as such by the owner of any registered hackney-carriage who shall, without sufficient excuse, refuse or neglect to attend at the premises of such owner for

the purposes of driving any such carriage, whereby such owner is prevented from letting out the same, shall, on complaint by such owner, be liable for each offence to a fine not exceeding ten rupees, (which or any part of which may, by order of the Magistrate, be paid to the owner as compensation) and in default of payment of fine to imprisonment for a period not exceeding seven days.

Owner may be summoned to appear before Magistrate and to produce driver.

38. (*1*) When a complaint is made before a Magistrate against the driver of a registered hackney-carriage for any offence committed by him against the provisions of this Act, such Magistrate may forthwith summon the owner of the carriage personally to appear and to produce the driver of such carriage to answer the complaint.

Penalty for neglecting so to appear or to produce driver.

(*2*) If such owner, being duly summoned, shall, without a reasonable excuse, neglect or refuse personally to appear or to produce the driver according to such summons, he shall be liable to a fine not exceeding fifty rupees, and so from time to time as often as he shall be so summoned, until such driver shall be produced by him:

Magistrate to hear and determine complaint on failure to appear.

Provided that if such owner shall, without a reasonable excuse, neglect or refuse to appear and produce such driver on the second or any subsequent summons requiring him so to do, it shall be lawful for the Magistrate to proceed to hear and determine the complaint in the absence of the owner and driver, or either of them.

Procedure on refusal to pay fares.

39. (*1*) If any person, who shall have hired a registered hackney-carriage, shall refuse to pay to the owner or driver thereof on demand the fare payable under this Act, it shall be lawful for the Magistrate to order payment of such fare and also of such compensation for loss of time as shall seem reasonable, and in default of payment such fare and compensation may be recovered in the same way as a fine.

(2) If any person who shall have used any such carriage shall attempt to evade payment of the fare or any portion of the same which he may be deemed liable to pay, he shall be liable to a fine not exceeding fifty rupees, or to imprisonment for a period not exceeding one month, in addition to the payment of such fare and compensation as hereinbefore mentioned.

Penalty for fraudulent evasion.

40. (1) Any person who shall maliciously or knowingly tear, destroy, deface, obliterate or remove any carriage-plate, table of fares or driver's ticket which shall have been granted under the provisions of this Act, shall be liable for every such offence to a fine not exceeding twenty rupees, and in default of payment of fine to imprisonment for a period not exceeding fourteen days.

Penalty for destroying carriage-plate, &c.

(2) Any portion of the fine may be awarded to the person to whom such carriage-plate, table of fares or driver's ticket shall belong.

Award of fine to owner of carriage-plate, &c.

41. Any person using a registered hackney-carriage who shall wilfully injure the same shall be liable to a fine not exceeding twenty rupees, and in default of payment of fine to imprisonment for a period not exceeding fourteen days; and shall also pay to the owner of the carriage such compensation for the injury as the Magistrate may direct.

Penalty for wilful injury to carriage.

42. In case of any dispute between the hirer and driver of any registered hackney-carriage, the hirer may, if any Magistrate be then sitting, require the driver to drive to the Court of such Magistrate, or, if no Magistrate be then sitting, to the Registering Officer; and if any driver shall refuse to obey such requisition, it shall be lawful for the hirer to give such driver into the custody of the nearest police officer; such police officer shall thereupon take the driver and the hirer together with the carriage and horse to such Court or Registering Officer, and the then sitting Magistrate or Registering Officer shall in either of the cases aforesaid hear and determine the dispute in a summary way.

Disputes how to be settled.

43. In the case of disputes as to the fare to be calculated according to the distance, any table or book signed by the Registering Officer shall, on proof of such signature, be taken to be conclusive evidence of the distances therein stated.

Table of distances signed by Registering Officer conclusive.

44. (*1*) It shall be lawful for any registered hackney-carriage to ply for hire as a stage-carriage.

Hackney-carriage may ply for hire as stage-carriage.

(*2*) The owner or driver of a carriage so plying for hire or hired as a stage-carriage, shall not be subject to the provisions of section thirty-one of this Act, but shall be entitled to demand and take for the hire of such carriage such fares as shall be agreed upon between him and the several hirers respectively.

Fares for stage-carriages how to be determined.

(*3*) All the other provisions of this Act shall be applicable to the case of a hackney-carriage plying as a stage-carriage, so far as the same shall be applicable in each particular instance.

Hackney-carriages plying as stage-carriages subject to provisions of Act.

45. (*1*) The Registering Officer shall from time to time appoint one or more stands in Calcutta for hackney-carriages registered under this Act, and may also assign for the use of such carriages, as public stands, any coach-houses, stables or sheds, or other suitable places.

Stands to be appointed.

(*2*) Every public stand so appointed or assigned shall have a board affixed in a conspicuous place in front thereof, containing a notice in the English, Urdu and Bengalee languages that the stand is a public stand under this Act.

Stands to have boards affixed in front of them.

CHAPTER VII.

PALANQUINS.

46. (*1*) Every palanquin plying for hire in Calcutta shall be annually registered by the Officer appointed for registering hackney-carriages at the time and in the manner hereinbefore provided with respect to the registration of hackney-carriages.

Palanquins to be registered annually.

(*2*) Upon each registration a fee of eight annas shall be paid :

Fee for registration.

Provided that the Registering Officer may refuse to register any palanquin or may cancel the registration thereof whenever it may appear to him to be unserviceable or unfit for public use.

Refusal to register palanquins.

Particulars of register.

47. (*1*) The following particulars shall be entered in the register, namely—

(*a*) the number of the palanquin;

(*b*) the name and residence of the owner.

(*2*) Every change of ownership or residence shall be notified to the Registering Officer, subject to the same provisions and penalties in default as are provided in the case of the owners of hackney-carriages.

Change of ownership or residence to be notified.

48. (*1*) The owner of every registered palanquin shall cause the registered number thereof to be painted in the English and Bengalee figures on a conspicuous part thereof.

Registered number to be painted on palanquin.

(*2*) The owner of any palanquin plying for hire without being registered or having the number affixed thereto as aforesaid, shall be liable to a fine not exceeding ten rupees.

Penalty for neglecting to register palanquin.

(*3*) The person in whose name a palanquin is for the time being registered shall be deemed the owner thereof for the purposes of this Act.

"Owner" of palanquin.

49. The owner of every palanquin shall put up and at all times keep distinctly printed, painted or marked in the English, Urdu and Bengalee languages, in such manner and in such position as shall be directed by the Registering Officer, on the inside of such palanquin the amount of fare according to distance and time which may be legally demanded and taken from the hirer of such palanquin.

Owner to keep list of fares inside palanquin.

50. (*1*) The owner or person in charge of every palanquin shall be entitled to demand and take for the hire of such palanquin the fares specified in the second schedule to this Act:

Fares to be paid for palanquins.

Provided that when the owner or person in charge of any palanquin to be paid a fare calculated according to the distance shall be required by the hirer thereof to stop such palanquin for fifteen minutes, or for any longer time, it shall be lawful for the owner or person in charge to demand and receive from the hirer so requiring him to stop, a further sum of one-fourth of the rate for the first hour, for every fifteen minutes that he shall have been so stopped.

Proviso.

(*2*) No owner or person in charge of a palanquin shall demand or receive over and above the said fare any sum for back hire for the return of the palanquin from the place at which it was discharged:

Back fare not to be demanded.

Provided that any contract entered into to accept a fare lower than the fare so fixed shall be binding.

Contract for lower fares to be binding.

51. (*1*) It shall not be lawful for any person to act as the bearer of a registered palanquin, unless such person shall have obtained a license from the Registering Officer in the manner hereinbefore prescribed for drivers of hackney-carriages.

Bearers of palanquins to have licenses.

(*2*) All the provisions of this Act in any way relating to the taking out, granting, renewing, producing or using the licenses, or to the issuing, granting, wearing or using tickets granted to drivers of hackney-carriages, shall be applicable in like manner to the bearers of palanquins.

Provisions relating to hackney-carriages applicable to palanquins.

(*3*) For every license to act as a palanquin bearer granted under this Act there shall be paid a fee of eight annas.

Fee for license.

52. (*1*) The bearers of every palanquin registered under this Act shall (unless they have a reasonable excuse to be allowed by the Magistrate before whom the matter shall be brought in question), carry such palanquin to any place to which they shall be required by the hirer thereof to carry the same, not exceeding five miles from the place where the same shall have been hired.

Distance bearers bound to carry palanquins.

(*2*) If such palanquin shall have been hired by time, the bearers thereof may be required to carry it at any rate not exceeding two and a half miles within one hour.

Speed when hired by time.

(*3*) Whenever the bearers of such palanquin shall be required to carry it more than two and a half miles within one hour, they shall be entitled to demand, in addition to the fare regulated by time in the second schedule to this Act, for every mile or any part thereof exceeding two and a half miles, the fare regulated by distance as set forth in the said schedule.

Fare by distance may be demanded in addition to fare by time.

(*4*) All and every of the provisions of this Act as to offences committed by or against the owners and drivers of hackney-carriages and the penalties in respect of the same and recovery thereof, and all the remedies by or against hirers, owners or drivers of hackney-carriages, and all and several of the remedies given to hirers, owners and drivers of hackney-carriages, except the provisions contained in section thirty-eight, shall be applicable, so far as the same may reasonably be applied, to the owners and bearers of palanquins.

Provisions regarding owners and drivers of hackney-carriages applicable to owners and bearers of palanquins.

CHAPTER VIII.

Bye-laws.

53. (*1*) The Commissioners in meeting may from time to time make bye-laws not inconsistent with the provisions of this Act with regard to—

Commissioners in meeting may make bye-laws.

(*a*) the examination and qualification of drivers, and the conditions under which they may be employed;

(*b*) the description of horses, harness, and other things to be used in hackney-carriages, the dimensions of such carriages, and the condition in which such carriages and the horses, harness and other things used therewith shall be kept.

(*c*) the inspection of the premises on which any such carriages, horses, harness and other things are kept;

(*d*) the protection of weak, lame and sickly horses;

(*e*) the publication of a table of distances, and generally for carrying out the purposes of this Act.

(*2*) The Commissioners in meeting may from time to time repeal, alter or add to any bye-law made under this section.

Bye-laws may be repealed or altered.

(*3*) No bye-law, and no repeal or alteration of, or addition to, any bye-law, shall have effect until the same has been confirmed by the Local Government.

Bye-laws when to take effect.

(*4*) Every bye-law, and every repeal or alteration of, or addition to, any bye-law when confirmed, shall be published in the Calcutta Gazette.

Bye-laws to be published in Gazette.

54. Whoever infringes any bye-law made and confirmed shall be liable to a fine not exceeding twenty rupees.

Penalty for infringement of bye-laws.

CHAPTER IX.

Prosecutions.

55. (*1*) Every prosecution under this Act may be instituted before any Magistrate having jurisdiction who may summon the persons charged to appear at a time and place to be mentioned in the summons; and if such person do not appear, the Magistrate may, upon proof of service of the summons if no sufficient cause shall be shown for the non-appearance of the person charged, proceed to hear and determine the case in his absence.

Prosecutions to be instituted before Magistrate.

(*2*) If such person do appear, then the procedure laid down in the Code of Criminal Procedure of 1882, from section two hundred and forty-two to section two hundred and forty-eight, shall be followed.

Procedure in case of prosecutions.

(*3*) All fines imposed by a Magistrate under this Act shall be levied under the provisions of sections three hundred and eighty-six, three hundred and eighty-seven, three hundred and eighty-eight, and three hundred and eighty-nine of the said Code.

Fines how to be levied.

Liability to fine when incurred.

56. (*1*) No person shall be liable to any fine under this Act for any offence cognizable by a Magistrate, unless the complaint respecting such offence shall have been made within three months next after the commission of such offence.

(*2*) The omission to register any hackney-carriage or palanquin or to take out a license shall be deemed to be a continuing offence.

Damage to property of Commissioners to be paid for.

57. (*1*) If through any act, neglect or default on account whereof any person shall have been fined under this Act, any damage to the property of the Commissioners shall have been committed by such person, he shall be liable to make good such damage as well as to pay such fine.

Amount of damage to be determined by Magistrate.

(*2*) The amount of such damage shall be determined by the Magistrate by whom such person has been fined, and in default of payment of the amount of such damage on demand, the same may be levied in the same manner as a fine.

Compensation for groundless prosecution.

58. In any case in which a Magistrate is satisfied that a complainant had no reasonable ground for instituting a prosecution, it shall be lawful for such Magistrate to direct the complainant to pay to the accused such compensation not exceeding fifty rupees as he thinks fit; and the sum so awarded shall be recoverable as if it were a fine.

CHAPTER X.

Miscellaneous.

Property left in carriage or palanquin to be deposited in police-station.

59. (*1*) The driver of every hackney-carriage and the bearers of every palanquin within the limits of this Act, wherein any property shall be left by any person shall, within twenty-four hours, carry such property, if not sooner claimed by the owner thereof, to the nearest police-station, and shall there deposit it with the Inspector or other officer on duty, and demand a receipt for it duly signed by the officer taking charge of the same.

(2) Any such driver or bearer making default herein shall be liable to a fine not exceeding fifty rupees, and in default of payment of fine to imprisonment for a period not exceeding one month.

Penalty for neglecting to do so.

(3) The said officer shall forthwith enter in a book to be kept for that purpose—

Police officer to enter particulars in book.

(*a*) the description of such property;

(*b*) the name and address of the driver or bearer who shall bring such property;

(*c*) the day and hour on which it shall be brought;

(*d*) the name and address of the owner of the hackney-carriage or palanquin in which the property shall have been left and the registered number of such carriage or palanquin,

and shall give the person a receipt for the same.

and grant receipt.

(4) The property so entered shall be returned to the person who shall prove to the satisfaction of the Commissioner of Police that the same belonged to him; such person previously paying all expenses incurred, together with such reasonable sum to the driver or bearers who brought the same as the said Commissioner shall award:

Property to be returned to owner.

Provided always that if such property shall not be claimed by, and proved to belong to, some one within one year after the same shall have been deposited, the said Commissioner shall cause such property to be sold, or otherwise disposed of; and the proceeds, after deducting the expenses, together with a reasonable sum to the driver or bearers, shall be applied in the same manner as fees and penalties received under this Act.

When such property may be sold and how proceeds may be applied.

60. All fees and fines levied under this Act shall be credited in the first instance to a fund to be called the "Hackney-carriage Fund," which shall be employed in carrying out the purposes of this Act, and in the event of one or more Municipalities being included in Calcutta by virtue of a notification published under section four, then such fund shall yearly be divided between the Calcutta Municipality

Fees and fines how to be dealt with.

and such other Municipality or Municipalities in such proportion as the Local Government may determine, each Municipality employing the sum so appropriated to it to carrying out the purposes of this Act.

Appointment of officers when Act extended beyond Calcutta.

61. (*1*) Whenever this Act shall be extended to any other town or place under section one, the Local Government may appoint persons, either by name or by official designation, to perform the duties imposed, and exercise the powers conferred, by this Act on the Commissioners and the Chairman of the Commissioners.

Modifications in Act when extended beyond Calcutta.

(*2*) And in each town or place to which this Act may be extended, for the word "Calcutta" in sections five, forty-five and forty-six shall be read the name of such town or place, and after the word "languages" in sections thirty-two, sub-section (*1*), forty-five, sub-section (*2*), and forty-nine shall be read "or such other languages as the Local Government may by notification in the Calcutta Gazette prescribe," and for the words "forty-one of the Calcutta Municipal Consolidation Act, 1888," in section 5, sub-section (*3*), shall be read the words "forty-six of the Bengal Municipal Act, 1884."

FIRST SCHEDULE.

(*Referred to in section* 31.)

RATES AND FARES TO BE PAID FOR HACKNEY-CARRIAGES.

Description of carriage.	FARE BY DISTANCE.		FARE BY TIME.					
	For any distance within and not exceeding one mile.	For any distance exceeding one mile.	For any time within and not exceeding one hour.	For every hour or part of an hour beyond one hour.		For half a day of five hours.	For a whole day consisting of nine hours.	For every hour or part of an hour after the ninth hour.
First Class	8 annas	At the rate of 6 annas for every mile and for any part of a mile over and above any number of miles completed.	One rupee	8 annas ...		...	5 rupees	8 annas
Second ,,	6 annas	At the rate of 4 annas for every mile and for any part of a mile over and above any number of miles completed.	12 annas	6 ,, ...		2 rupees	3 rupees and 8 annas.	6 annas
				For the second hour and for the third hour or for any part of either.	For every hour or part of an hour beyond the third hour.			
Third ,,	3 annas	At the rate of 2 annas for every mile and for any part of a mile over and above any number of miles completed.	6 ,,	4 annas	3 annas	...	2 rupees	3 annas

The above fares to be paid according to time, unless at the commencement of the hiring the hirer expresses his intention of paying according to distance. In the case of a second class carriage, the hirer cannot avail himself of the half day, or whole day, rate unless at the time of hiring he engages the carriage for the half day or whole day as the case may be.

SECOND SCHEDULE.

(*Referred to in section* 50.)

RATES AND FARES TO BE PAID FOR PALANQUINS.

FARE BY DISTANCE.		FARE BY TIME.			
For any distance within and not exceeding one mile.	For any distance exceeding one mile.	For any time within and not exceeding one hour.	For every hour or part of an hour beyond one hour.	For half a day of five hours.	For a whole day consisting of nine hours.
3 annas ...	At the rate of 3 annas for every mile and for any part of a mile over and above any number of miles completed.	6 annas ...	3 annas ...	1 rupee ...	1 rupee and 8 annas.

The above fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring; if not otherwise expressed, the fare to be paid according to time.

W. J. & W. LeB.—Reg No. 542G—2,000—25.9.91.